

CITY OF HUNTINGTON PARK

NOTICE OF A SPECIAL MEETING OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON PARK CALLED BY MAYOR ROSA E. PEREZ

NOTICE IS HEREBY GIVEN THAT a special meeting of the City Council of the City of Huntington Park is hereby called to be held on Thursday, February 5, 2015 at 6:00 p.m. in the Council Chambers located on the 2nd Floor of City Hall at 6550 Miles Avenue, Huntington Park.

Rosa E. Perez
Mayor

Karina Macias
Vice Mayor

Ofelia Hernandez
Council Member



Mario Gomez
Council Member

Valentin Palos Amezcuita
Council Member

All agenda items and reports are available for review in the City Clerk's Office and www.hpca.gov. Any writings or documents provided to a majority of the City Council regarding any item on this agenda (other than writings legally exempt from public disclosure) will be made available for public inspection in the Office of the City Clerk located at 6550 Miles Avenue, Huntington Park, California 90255 during regular business hours, 7:00 a.m. to 5:30 p.m., Monday – Thursday, and at the City Hall Council Chambers during the meeting.

Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the City Clerk's Office either in person at 6550 Miles Avenue, Huntington Park, California or by telephone at (323) 584-6230. Notification in advance of the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

PLEASE SILENCE ALL PAGERS, CELL PHONES AND OTHER ELECTRONIC EQUIPMENT WHILE COUNCIL IS IN SESSION. Thank you.

CALL TO ORDER

ROLL CALL: Mayor Rosa E. Perez
Vice Mayor Karina Macias
Council Member Ofelia Hernandez
Council Member Valentin Palos Amezcuita
Council Member Mario Gomez

PLEDGE OF ALLEGIANCE

RECESS TO CLOSED SESSION

CLOSED SESSION

1. Pursuant to California Government Code Sections 54956.9(d)(2), 54956.9(d)3, and 54956.9(d)(4) – Conference with Legal Counsel to Discuss Matter Involving Potential Litigation and/or Significant Exposure to Litigation – [One (1) potential matter]

RECONVENE TO OPEN SESSION

CLOSED SESSION ANNOUNCEMENT

PUBLIC COMMENT

Each speaker will be limited to three minutes per Huntington Park Municipal Code Section 2-1.207.

STAFF RESPONSE

REGULAR AGENDA

CITY ATTORNEY

1. **Consideration of a Resolution restricting the use of the City's official seal, logo, or emblem.**

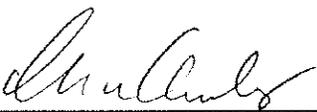
RECOMMENDATION OF ITEM UNDER CONSIDERATION:

1. Adopt Resolution No. 2015-06 to restrict the use of the official City seal, logo, or emblem.

ADJOURNMENT

THE CITY OF HUNTINGTON PARK CITY COUNCIL WILL ADJOURN TO AN ADJOURNED REGULAR MEETING ON TUESDAY, FEBRUARY 17, 2015, AT 6:00 P.M.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 24 hours prior to the meeting. Dated this 4th day of February, 2015.

By: 
John A. Ornelas, Interim City Manager



CITY OF HUNTINGTON PARK

City Attorney's Office
City Council Agenda Report

February 5, 2015

Honorable Mayor and Members of the City Council
City of Huntington Park
6550 Miles Avenue
Huntington Park, CA 90255

Dear Mayor and Members of the City Council:

CONSIDERATION OF A RESOLUTION RESTRICTING THE USE OF THE CITY'S OFFICIAL SEAL, LOGO, OR EMBLEM OF THE CITY

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Adopt Resolution No. 2015-06 to restrict the use of the official City seal, logo, or emblem.

BACKGROUND

The Municipal Code currently has few restrictions on the use of the City's official seal or logo ("City logo"). Staff searched for other existing ordinances or resolutions that regulate the use of the City logo and found a single reference pertaining to activities and events in public places. To address the use of official symbols, many cities adopt regulations that prohibit such use by anyone, including public officials, for non-city business. Since the City does not have such clearly stated rules, the City Attorney was directed to prepare a resolution on this subject for the Council's consideration.

Currently, the Municipal Code restriction on the use of the City logo is limited to a single section involving activities and events in public places, which prohibits event organizers from using the City logo or name without authorization.¹

In addition to the restriction of political activities while in uniform, State law prohibits officials from using "public resources for a campaign activity, or personal or other purposes which are not authorized by law."²

¹ HPMC § 5 13.15.

² Gov. Code § 8314.

CONSIDERATION OF A RESOLUTION RESTRICTING THE USE OF THE CITY'S
OFFICIAL SEAL, LOGO, OR EMBLEM

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The law also prohibits the use of official symbols in campaign literature to deceive voters that the message was authorized by a public official.³

Government Code Section 34501.5 provides as follows:

(a) Any person who uses or allows to be used any reproduction or facsimile of the seal of the city in any campaign literature or mass mailing, as defined in Section 82041.5, with intent to deceive the voters, is guilty of a misdemeanor.

(b) For purposes of this section, the use of a reproduction or facsimile of a seal in a manner that creates a misleading, erroneous, or false impression that the document is authorized by a public official is evidence of intent to deceive.

FISCAL IMPACT/FINANCING

There is no fiscal impact as a result of this action.

CONCLUSION

The resolution for the Council's consideration is designed to make clear that use of the City logo for any purpose other than official City business is not permitted without the approval of the City Council.

Respectfully submitted,



JOHN A. ORNELAS
Interim City Manager

ATTACHMENTS

A: Resolution No. 2015-06

³ Gov. Code § 34501.5; Elections Code § 18304.

ATTACHMENT "A"

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RESOLUTION NO. 2015-06

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HUNTINGTON PARK RESTRICTING THE USE OF THE
OFFICIAL SEAL, LOGO, OR EMBLEM OF THE CITY**

WHEREAS, the seal, logo, emblem, or insignia of the City of Huntington Park (collectively the "City Logo") is a design used for the purpose of representing the authority of the City, and is available for viewing at the Office of the City Clerk and on the City's official web page; and

WHEREAS, the City Council finds that concerns about creating a misleading appearance of official endorsement of private messages should apply to City public officials; and

WHEREAS, many other municipalities have found it to be in the public interest to adopt restrictions to ensure that the public is not misled about the origination of a document and/or electronic communication containing the City Logo; and

WHEREAS, the City Council desires to make clear that use of the City Logo for any purpose other than official City business is not permitted without the approval of the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HUNTINGTON PARK AS FOLLOWS:

SECTION 1. The foregoing statements are true and correct.

SECTION 2. The City Logo is the property of the City of Huntington Park and the City Clerk shall be the custodian of the City Logo.

SECTION 3. The City seal is the impression made by that certain instrument retained and used by the City Clerk for the purpose of attesting documents as acts of the City Council. The general design and the details of the impression made by the City seal shall correspond to the City Logo.

SECTION 4. The City seal, or any facsimile thereof, shall not be affixed to any document except by the City Clerk or designee, and except for the purpose of attesting the document to be an act of the City Council.

SECTION 5. The City Logo is an official designation of the City and its facilities. No person shall make, reproduce, manufacture, display or use the City Logo, or its design or reasonable facsimile, for any purpose other than for official City business, a City-sponsored event or publication, or a City-endorsed event or publication, without the approval of the City Council.

SECTION 6. No person shall use the City Logo, or its design or reasonable facsimile, for purposes of supporting or opposing the nomination or election to any public

1 office of any person, or for purposes of supporting or opposing any ballot measure, nor
2 include such City Logo on any writing distributed for purposes of influencing the action of
3 the electorate, or any part thereof, in any election. This section shall not be applicable to
4 writings issued by the City of Huntington Park in accordance with the law.

5 **SECTION 7.** No person shall use the City Logo, or its design or reasonable
6 facsimile, for the purpose of personal financial gain or any wrongful purpose.

7 **SECTION 8.** No act of the City Council or document in evidence thereof shall be
8 invalid by reason of the omission of the City seal.

9 **SECTION 9.** After consideration and consultation with the City Attorney, special
10 counsel, or City-assigned investigator, where the City Council determines that a violation of
11 the restrictions set forth herein has occurred, the violation may result in public censure, a
12 public reprimand, loss of Mayor or Vice Mayor title, and/or the imposition of sanctions on
13 any Councilmember whose conduct does not comply with this resolution.

14 **SECTION 10.** Where the City Council believes a violation of the restrictions set
15 forth herein has occurred, the City Council may direct the City Attorney to immediately
16 refer the matter to the appropriate authorities with jurisdiction to investigate and prosecute
17 violations of applicable State and Federal laws.

18 **SECTION 11.** Prior to the imposition of any sanctions for the violation of the
19 restrictions set forth herein, the City Council shall follow applicable due process
20 procedures.

21 **SECTION 12.** The City Clerk shall certify to the adoption of this Resolution.

22 **PASSED, APPROVED AND ADOPTED** by the City Council of the City of
23 Huntington Park at its meeting on this _____ **day of February, 2015.**

24 _____
25 Rosa E. Perez, Mayor

26 ATTEST:

27 _____
28 Donna G. Schwartz, City Clerk

APPROVED AS TO FORM:

Isabel Birrueta, City Attorney

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STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF HUNTINGTON PARK)

I, Donna G. Schwartz, City Clerk of the City of Huntington Park, hereby certify that the foregoing Resolution No. 2015-06 was passed and adopted by the City Council of the City of Huntington Park, signed by the Mayor and attested by the City Clerk at a regular meeting of said Council held on the _____ day of February, 2015, and that said Resolution was adopted by the following vote, to-wit:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Donna G. Schwartz, CMC
City Clerk